

**DURHAM, NORTH CAROLINA  
MONDAY, FEBRUARY 18, 2002  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner provided Council with memorandums concerning budget measures to address projected shortfall from frozen state-shared/collected revenue [Consent Item #37] and the Barnes Avenue initiative [Consent Item #35].

Relative to a nuisance abatement action filed against the Durham Inn, City Attorney Blinder reported that the Superior Court declared the establishment a nuisance and directed that the establishment be permanently closed effective today.

There were no priority items from the City Clerk.

Council Member Clement thanked the Hillside High School community for inviting him to participate in the Valentine's Day breakfast honoring students for academic achievement, A/B honor roll and perfect attendance. Also, he thanked the Police Department for a good operation during the recent sting operation at Cheek Road Apartments. Finally, he requested a moment of silence in memory of Mrs. Callina Smith.

Council Member Cole-McFadden commended the Human Relations Commission and staff for a well-planned and implemented Human Relations Week.

Council Member Stith congratulated Acting Police Chief Steve Chalmers and staff for serving as the host for the N C Police Chiefs Association here in Durham.

Mayor Bell noted that he would not be able to attend the funeral for Callina Smith on tomorrow and asked Council Member Clement to express the Council's condolences and commented on the police activities at Cheek Road Apartments noting he hopes it sends a strong message to those involved with illegal activities.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. In relation to Consent Item #23, City Manager Conner noted this item will be discussed at the February 21, 2002 City Council Work Session. Items #23 [Police Initiative] and #35 [Barnes Avenue Area Plan Initiative] were pulled.

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**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: STOP SIGNS - ADLETT PARK SUBDIVISION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Adlett Lane at N. Mineral Springs Road, northeast corner
- b) Birds Nest Court at Adlett Lane, southeast corner
- c) Lost Tree Court at Adlett Lane, southeast corner
- d) Adlett Lane at Sweet Gum Court, southwest corner

**Ordinance #12504**

**SUBJECT: STOP SIGNS – WILLIAMS RIDGE SUBDIVISION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Windermere Drive at Infinity Road, southeast corner
- b) Ravenglass Way at Windermere Drive, northwest corner
- c) Ravenglass Way at Infinity Road, southeast corner
- d) Frederick Drive at Ravenglass Way, southeast corner
- e) Castleford Circle at Ravenglass Way, southeast and southwest corners

**Ordinance #12505**

**SUBJECT: HANDICAP PARKING – MAIN STREET**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an “Ordinance Repealing Certain Traffic Ordinances” to rescind Ordinance #12212 (h), adopted February 19, 2001 establishing one-hour parking on the south side of Main Street in the area beginning at a point 25 feet west of the west curb line of Corcoran Street, if extended, and extending for a distance of 198 feet westwardly; and

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To adopt a “One-Hour Parking Ordinance” to establish one-hour parking on the south side of Main Street in the area beginning at a point 25 feet west of the west curb line of Corcoran Street, if extended, and extending for a distance of 176 feet westwardly; and

To adopt a “Handicap Parking Ordinance” to establish handicap parking on the south side of Main Street in the area beginning at a point 201 feet west of the west curb line of Corcoran Street, if extended, and extending for a distance of 22 feet westwardly was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance # 12506 – 12507 - 12508**

**SUBJECT: SPEED LIMIT – DRESDEN DRIVE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 miles per hour on Dresden Drive from NC 54 North to Biscayne Road was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12509**

**SUBJECT: SPEED LIMIT – FAUCETTE AVENUE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 miles per hour on Faucette Avenue from Midland Terrace Extension east to Milan Street was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12510**

**SUBJECT: STOP SIGNS – AUBURN VILLAGE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Pine Straw Way at Woodcroft Parkway, northwest corner
- b) Piney Park Lane at Woodcroft Parkway, southeast corner

**Ordinance # 12511**

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**SUBJECT: STOP SIGN – HOPE VALLEY FARMS**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the installation of a stop sign at Saxford Place at Carlton Crossing Drive, southeast corner was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: STOP SIGNS – WELLINGHAM FOREST**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the installation of stop signs at the following locations was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Scotney Circle at Herndon Road, northwest corner,
- b) Wellingham Drive at Scotney Circle, northeast corner,
- c) Basil Drive at Wellingham Drive, northwest corner,
- d) Upton Court at Basil Drive, southwest corner,
- e) Basil Drive at Hardwick Drive, southeast and northwest corners,
- f) Oxboro Circle at Hardwick Drive, southeast and northwest corners.

**SUBJECT: BUDGET AMENDMENT FOR TRANSPORTATION PLANNING GRANT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a “Grant Project Ordinance Amending Ordinance #12329, City of Durham and North Carolina Department of Transportation Section 104 (f) and Section 133(b)(3)(7) Transportation Planning Grant Project Ordinance – FY 2001-2002” increasing the original grant of \$349,731 by an additional \$65,800 of pass through funds for a total of \$415,531 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12512**

**SUBJECT: NC DEPARTMENT OF TRANSPORTATION AGREEMENT-  
REINSPECTION OF BRIDGES ON MUNICIPAL STREET SYSTEM**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution requesting the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution # 8835**

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*[Please note that this is a technical correction. Authorization was given to the City Manager to sign and execute an agreement for the Reinspection of Bridges on the Municipal Street System F A BRZ-NBIS (10) at the January 22, 2002 City Council Meeting.]*

**SUBJECT: 2002 LEGISLATIVE PROGRAM**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report from the City Attorney on the 2002 legislative program; and

To approve the proposed schedule and division of responsibilities for the program was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: HUMAN RELATIONS COMMISSION - RECEIPT AND ACCEPTANCE OF AN APPLICATION**

*The item regarding the receipt and acceptance of an application for the Human Relations Commission has been removed from the agenda. Council has directed City Clerk to re-advertise for this item.*

**SUBJECT: HISTORIC PRESERVATION COMMISSION - RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for a citizen to fill one vacancy on the Historic Preservation Commission for a Realtor/Developer/Builder [term will expire September 1, 2004] was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: NATIONAL REGISTER NOMINATIONS CONTRACT - LAKEWOOD, MOREHEAD HILL, AND TRINITY PARK NEIGHBORHOODS - HISTORIC PRESERVATION SOCIETY OF DURHAM**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract for Producing National Register Nominations for Lakewood, Morehead Hill, and Trinity Park Neighborhoods with the Historic Preservation Society of Durham in the amount of \$31,000 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: PROPOSED INTERIM URBAN GROWTH AREA (UGA) AMENDMENTS**

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*The item regarding the Proposed Interim Urban Growth Area (UGA) Amendments has been moved to the February 21, 2002 Work Session.*

**SUBJECT: EXTENSION OF URBAN GROWTH BOUNDARY**

*The item regarding the Extension of Urban Growth Boundary has been moved the February 21, 2002 Work Session.*

**SUBJECT: FISCAL YEAR 2001 AUDIT CONTRACT ADDENDUM - TRANSIT MANAGEMENT OF DURHAM**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the Mayor to increase the FY 2001 Audit Contract by \$5,000 from \$62,500 to \$67,500 for additional services performed for Transit Management of Durham was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: DURHAM AFTER SCHOOL PROGRAM STRATEGY FISCAL YEAR 2002 - GOVERNOR'S CRIME COMMISSION TITLE V GRANT**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a grant project ordinance for fiscal year 2001-2002, Governor's Crime Commission Title V Grant for the Durham After School Project. The total cost of the project is \$112,500. The City of Durham received approval in the amount of \$75,000 with the balance made with a match of funds totaling \$37,500 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Ordinance #12513**

**SUBJECT: WAKE-DURHAM COMPREHENSIVE STREET SYSTEM PLAN**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a "Resolution Endorsing the Wake-Durham Comprehensive Street System Plan" was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution # 8836**

**SUBJECT: SEWER EXTENSION AGREEMENT – L & W ENTERPRISES, INC. - L&W MOBILE HOME PARK**

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**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a sewer extension agreement with L&W Enterprises, Inc. to extend private sewer to serve the existing L&W Mobile Home Park was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: RDU AIRPORT [RALEIGH-DURHAM AIRPORT]**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to update Council on the status and operations of RDU Airport was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: PROCESS FOR APPROVAL AND IMPLEMENTATION OF REGULATORY CHANGES**

*The item regarding the Process for Approval and Implementation of Regulatory Changes has been continued to the February 21, 2002 Work Session.*

**SUBJECT: MORREENE NORTH HOMEOWNER'S ASSOCIATION**

*This item was removed from the February 7, 2002 Work Session agenda at the request of the Morreene North Homeowner's Association who submitted this matter.*

**SUBJECT: MINUTES FOR APPROVAL – CITY CLERK'S OFFICE**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the official minutes of the January 7, 2002 regular City Council Meeting was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: PASSENGER VEHICLE FOR HIRE ORDINANCE**

*The item regarding the Passenger Vehicle for Hire Ordinance has been continued to the February 21, 2002 Work Session.*

**SUBJECT: RESOLUTION REGARDING IMPROVEMENTS TO ROXBORO STREET AND VICINITY ASSOCIATED WITH THE WIDENING OF I-85**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a "Resolution Regarding Improvements to Roxboro Street and Vicinity Associated with the Widening of I-85 (NCDOT Project I-306)" was approved at 7:23 p.m. by the following vote:

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Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution # 8837**

**SUBJECT: RESOLUTION HONORING JOHN G. PEDERSEN**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to direct the City Clerk to prepare a resolution honoring John G. Pedersen was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: RESOLUTION HONORING JACKIE S. CARPENTER**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to direct the City Clerk to prepare a resolution honoring Jackie S. Carpenter was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: POLICE INITIATIVE – SAFE NEIGHBORHOOD INITIATIVE**

To receive a report regarding the Safe Neighborhood Initiative.

Victoria Peterson, of P. O. Box 101, requested statistical data on the age group and the individuals responsible for committing crimes in Durham.

**MOTION** by Council Member Clement seconded by Council Member Edwards to receive a report regarding the Safe Neighborhood Initiative was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

*Note: Earlier in the meeting, the City Manager noted that this item will be discussed again at the February 21, 2002 City Council Work Session.*

**SUBJECT: BARNES AVENUE AREA PLAN INITIATIVE**

To approve the concept of the Barnes Avenue Area Plan Initiative; and

To authorize the City Manager to initiate the process under the NC General Statutes, to declare Barnes Avenue a redevelopment area and develop a redevelopment plan; and



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To authorize the City Manager to proceed with the acquisition of properties on Barnes Avenue in order to ameliorate blight and provide low- and moderate-income housing.

Vivian McCoy, William Thomas, a resident of 1918 Ellis Street and a resident of Few Gardens spoke in support of this initiative and thanked everyone involved for what's going to happen in the area.

Council Member Stith asked the City Manager if there will be a project team to deal with the accountability of funds expended on this initiative.

City Manager Conner noted the City is in the process of working with Duke University in developing an evaluation criteria, creating an internal team to assist with the plan's development, working with Neighboring Concepts to seek community input and would have to assign a project management team to ensure that the City adheres to its timeline. Also, she noted the City Council would receive periodic updates on the progress.

Council Member Stith spoke in support of receiving updates on this initiative monthly. Relative to expenditure of funds, he requested the City Manager to provide an estimate when it reaches that point on the cost of debt service on bonds.

Council Member Clement spoke in support of DHA's involvement because the Hope VI project will impact Barnes Avenue and the NECD area.

Mayor Pro Tempore Cheek noted whatever is done on Barnes Avenue should fit with the overall plan that is envisioned by the Hope VI project and everyone who has a stake in the project is involved.

Council Member Best expressed a concern about the total amount of this project. He suggested that the City involve Habitat for Humanity, Self-Help, Durham Land & Trust, faith-based organizations, TROSA, etc. as the project moves forward.

Council held discussion in support of initiative and accountability of funds.

**MOTION** by Council Member Clement seconded by Council Member Edwards to approve the concept of the Barnes Avenue Area Plan Initiative; and

To authorize the City Manager to initiate the process under the NC General Statutes, to declare Barnes Avenue a redevelopment area and develop a redevelopment plan; and

To authorize the City Manager to proceed with the acquisition of properties on Barnes Avenue in order to ameliorate blight and provide low- and moderate-income housing was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

At this time during the meeting, Council Member Clement recognized Boy Scouts Troop 440.

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**[GENERAL BUSINESS AGENDA]**

**SUBJECT: CONTRACT ST-218 MARTIN LUTHER KING JR. STREETSCAPE IMPROVEMENTS, PHASE I**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to reject all bids was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden, Edwards and Stith. Noes: Council Member Best. Absent: None.

**SUBJECT: BUDGET MEASURES TO ADDRESS PROJECTED SHORTFALL FROM FROZEN STATE-SHARED/COLLECTED REVENUE**

To receive a report from the Administration on how to handle proposed state cuts.

Nick Curtis, Acting Budget Manager, gave an overview of the letter from the City Manager outlining the following budget measures to address projected shortfall from frozen State-shared/collected revenue:

- 1) All hiring for vacant positions is hereby frozen;
- 2) All capital outlay expenditures are hereby frozen;
- 3) All travel is hereby frozen;
- 4) All overtime pay arrangements must be pre-approved by an Assistant City Manager or City Manager;
- 5) Selected projects in the maintenance initiative are hereby delayed;
- 6) All CIP projects that are funded from General Fund Investment Income will be examined to determine if any can be deferred;
- 7) Departments were asked to submit additional potential savings;
- 8) Non-City Agencies may also be asked to contribute to the savings effort by receiving a reduced final payment for the year.

Also, he noted if all of the above measures are fully implemented, approximately \$7.3 million would be saved.

Council Member Stith spoke in support of the resolution concerning the budget crisis and the possibility of exploring a Town Meeting with the local delegation to discuss with the community the impact of budget cuts and withholding of funds will have on the City of Durham.

Council Member Clement commended Mayor Bell for agreeing to serve as Co-Chair of the statewide Mayors' Committee to work with the Governor and staff to come up with a reasonable alternative to what the Governor has proposed. Also, he asked the administration if the 2<sup>nd</sup> floor renovations would be impacted by resolution.

City Manager replied yes and noted the renovations include the 1<sup>st</sup> and 2<sup>nd</sup> floors.

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Council Member Cole-McFadden asked if the City is taking a look at cell phones, gas mileage and cars.

Nick Curtis, Acting Budget Director, noted the administration can examine these ideas.

Council held discussion in support of not cutting the following: clean-up efforts in NECD, summer litter control and Parks & Recreation program for youth in high crime area.

Mayor Bell made comments about the meeting he, along with other mayors, had with Governor Easley concerning withholding of funds.

**MOTION** by Council Member Clement seconded by Council Member Edwards to receive a report from the Administration on how to handle proposed state cuts; and

To authorize the City Manager to proceed with the budget measures to address projected shortfall from frozen State-shared/Collected Revenue as presented in the memorandum dated February 18, 2002 was approved at 8:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

A motion was made by Council Member Clement seconded by Council Member Stith to adopt a Resolution Regarding the State of North Carolina Budget Crisis and the Governor's Withholding of Local Utility Franchise Tax Reimbursements, Beer and Wine Tax, Homestead Exemptions, and Local Government Inventory Tax Credits.

Mayor Bell made a friendly amendment that the City Manager verify dollar amounts noted in a, b, c, d of the resolution and amend if necessary.

Council Member Clement accepted the friendly amendment.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt a Resolution Regarding the State of North Carolina Budget Crisis and the Governor's Withholding of Local Utility Franchise Tax Reimbursements, Beer and Wine Tax, Homestead Exemptions, and Local Government Inventory Tax Credits; and to direct the City Manager to verify the dollar amounts noted in a, b, c, and d of the resolution and amend if necessary was approved at 8:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**Resolution #8834**

**[PUBLIC HEARINGS]**

**SUBJECT: FISCAL YEAR 2002-2003 CONSOLIDATED ACTION PLAN NEEDS**

To hold a public hearing for the FY 2002-2003 Consolidated Action Plan Needs on February 18, 2002.

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Charlene Montford, Housing & Community Development Director, made comments on this item.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Keith Artin, representing TROSA, urged Council to support an allocation of CBDG funds for TROSA.

Stella Adams, representing N C Fair Housing Center, asked Council to consider a request to provide a comprehensive community assistance program for the NECD/Hope VI corridor.

Victoria Peterson, of P. O. Box 101, spoke in support of a vocational center for adults.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to receive citizens' comments on the FY 2002-2003 Consolidated Action Plan Needs was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: STREET OPENING, CURB, GUTTER AND PAVING – WAYNE STREET FROM EBON ROAD TO WORTLEY DRIVE (MINI ASSESSMENT ROLL)**

**a. Property of Wallace J. and Angela C. Braswell**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Wallace Braswell, of 2214 Southgate Street, provided Council with tax records outlining increases for the property and urged Council to grant a reduction in the assessment.

Mayor Bell declared the public hearing closed.

Council Member Stith asked the City Attorney what Council could do relative to this situation.

City Attorney Henry Blinder stated a determination for Council is whether the property has benefited or not. He noted if Council finds the property has benefited, there are existing Council policies outlining the assessment amount.

Council Member Best asked staff for clarification on the process.

Don Greeley, of the Public Works Department, noted the residents signed a petition to improve Wayne Street and there was also need to improve with water and sewer lines and laterals as part of the street construction which has been completed, full assessments for the property owners came forward last month and the Braswells and Brooks objected to their assessments.

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Council Member Best asked Mr. Braswell if he signed the petition.

Mr. Braswell replied no.

Don Greeley, of the Public Works Department, made comments about the petition being sufficient.

Council Member Cole-McFadden asked if there was any hardship discussed by the family.

Don Greeley replied no.

Council Member Clement made comments about the policy noting why Council should approve the assessments.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to find that the property of Wallace J. and Angela C. Braswell, identified as Tax Map 517-2-16, 5033 Wayne Street, Lot 2, has benefited from the improvements and to confirm the assessment in the amount of \$7,823.93; and

To find that the property of Wallace J. and Angela C. Braswell, identified as Tax Map 517-2-15, 5029 Wayne Street, Lot 21(B&A), vacant, has benefited from the improvements and to confirm the assessment in the amount of \$7,823.93 was approved at 8:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**b. Property of William R. and Carrie A. Brooks**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to find that the property of William R. and Carrie A. Brooks, identified as Tax Map 517-4-11, 5014 Wayne Street, Lots 42(B&A) and 43(A), has benefited from the improvements and to confirm the assessment in the amount of \$8,327.55 was approved at 8:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER LATERALS – WAYNE STREET FROM EBON ROAD TO WORTLEY DRIVE (MINI ASSESSMENT ROLL)**

**a. Property of Wallace J. and Angela C. Braswell**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

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**MOTION** by Council Member Clement seconded by Council Member Stith to find that the property of Wallace J. and Angela C. Braswell, identified as Tax Map 517-2-16, 5033 Wayne Street, Lot 2, has not benefited at this time from the water and sewer lateral improvements and to relieve the water lateral assessment in the amount of \$670.00 and the sewer lateral assessment in the amount of \$779.00 with the provision that future lateral charges will be due and payable at the prevailing rate should the property receive water and/or sewer service (in accordance with City policy); and

To find that the property of Wallace J. and Angela C. Braswell, identified as Tax Map 517-2-15, 5029 Wayne Street, Lot 21(B&A), vacant, has not benefited at this time from the water and sewer lateral improvements and to relieve the water lateral assessment in the amount of \$670.00 and the sewer lateral assessment in the amount of \$779.00 with the provision that future lateral charges will be due and payable at the prevailing rate should the property receive water and/or sewer service (in accordance with City policy) was approved at 8:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**b. Property of William R. and Carrie A. Brooks**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Council Member Stith to find that the property of William R. and Carrie A. Brooks, identified as Tax Map 517-4-11, 5014 Wayne Street, Lots 42(B&A) and 43(A), has not benefited at this time from the improvements and to relieve the water lateral assessment in the amount of \$670.00 and the sewer lateral assessment in the amount of \$779.00 with the provision that future lateral charges will be due and payable at the prevailing rate should the property receive water and/or sewer service (in accordance with City policy) was approved at 8:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: WATER MAIN – WAYNE STREET FROM EBON ROAD TO WORTLEY DRIVE (MINI ASSESSMENT ROLL)**

**a. Property of Wallace J. and Angela C. Braswell**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Wallace Braswell, of 2214 Southgate Street, provided Council with tax records outlining increases for the property and urged Council to grant a reduction in the assessment.

Mayor Bell declared the public hearing closed.

**February 18, 2002**

**MOTION** by Council Member Clement seconded Mayor Pro Tempore Cheek to find that the property of Wallace J. and Angela C. Braswell, identified as Tax Map 517-2-16, 5033 Wayne Street, Lot 2, has benefited from the water main improvement and to confirm the assessment in the amount of \$1,085.15; and

To find that the property of Wallace J. and Angela C. Braswell, identified as Tax Map 517-2-15, 5029 Wayne Street, Lot 21(B&A), vacant, has benefited from the water main improvement and to confirm the assessment in the amount of \$1,085.15 was approved at 8:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**b. Property of William R. and Carrie A. Brooks**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to find that the property of William R. and Carrie A. Brooks, identified as Tax Map 517-4-11, 5014 Wayne Street, Lots 42(B&A) and 43(A), has benefited from the water main improvements and to confirm the assessment in the amount of \$1,155.00 was approved at 8:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: SEWER MAIN – WAYNE STREET FROM EBON ROAD TO WORTLEY DRIVE (MINI ASSESSMENT ROLL)**

**a. Property of Wallace J. and Angela C. Braswell**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Wallace Braswell, of 2214 Southgate Street, provided Council with tax records outlining increases for the property and urged Council to grant a reduction in the assessment.

Mayor Bell declared the public hearing closed.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to find that the property of Wallace J. and Angela C. Braswell, identified as Tax Map 517-2-16, 5033 Wayne Street, Lot 2, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$1,726.38; and

To find that the property of Wallace J. and Angela C. Braswell, identified as Tax Map 517-2-15, 5029 Wayne Street, Lot 21(B&A), vacant, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$1,726.38 was approved at 8:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**February 18, 2002**

**b. Property of William R. and Carrie A. Brooks**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cheek to find that the property of William R. and Carrie A. Brooks, identified as Tax Map 517-4-11, 5014 Wayne Street, Lots 42(B&A) and 43(A), has benefited from the sewer main improvements and to confirm the assessment in the amount of \$1,837.50 was approved at 8:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL ZONING CASE P01-81 OF NEWLY ANNEXED TERRITORY L. RONALD SCOGGINS AND LILA A. SCOGGINS**

Initiated by: City of Durham

Location: 35.36 acres on the west side of Fayetteville Road, south of Massey Chapel Road, PIN 0717-02-69-5410; 0717-02-59-9234; 0717-01-49-5226 (Tax Map 529, Block 1, Lots 22A, 22B, 22G)

Request: RD (Rural District) No change in existing zoning classification is proposed, existing zoning is RD (Rural District)

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish RD zoning for the above described newly annexed territory.

Zoning Committee's Recommendation and Vote: Approval (4-2)

Planning Department's Recommendation: Approval

Dick Hails, Acting City/County Planning Director, noted this is a translation rezoning.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Stith seconded by Council Member Edwards to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish RD zoning for the above described newly annexed territory was approved at 8:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.



**February 18, 2002**

There being no further business to come before the City Council, the meeting was adjourned at 8:46 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk